

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ISAIAH FORMAN,

Plaintiff,

V.

DAVID MAAS

Defendant.

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Case No.: 4:19-CV-2356

MOTION FOR AN ENTRY OF A PROTECTIVE ORDER BY CONSENT

COMES NOW Third-Party Witness Woodson Terrace Police Department (hereinafter “**Woodson Terrace**”), by and through its attorney of record, and moves this Court to enter a protective order pursuant to Fed.R.Civ.P. 26(c), protecting documents, other tangible items, and/or testimony relating to confidential information produced in connection with a subpoena it received in this matter. In support of this request, Woodson Terrace states as follows:

1. Third-Party Woodson Terrace has been served with a subpoena in this matter by counsel for Plaintiff and is not a party to this litigation.
2. This subpoena requested “The entire employment file of David Maas, including but not limited to his application for employment with the Woodson Terrace Police Department, any background check or investigation performed by or on behalf of Woodson Terrace Police Department prior to employing David Maas as a police officer, any and all job actions, performance investigations, disciplinary actions, or other sanctions taken against David Maas’ employment with Woodson Terrace Police

Department, any and all citizen complaints regarding David Maas in connection with his employment as a police officer of Woodson Terrace, any and all investigations into, statements taken or disciplinary action contemplated, suggested or taken with regard to David Maas' involvement in the pursuit, apprehension and/or arrest of Isaiah Forman on April 14, 2019, any and all correspondence or record of communication with any other police departments, law enforcement agencies or other governmental bodies regarding David Maas' involvement in the pursuit, apprehension and/or arrest of Isaiah Forman on April 14, 2019 as well as any and all documents which discuss, describe, contain or refer to the termination of David Maas' employment with the Woodson Terrace Police Department."

3. Third-Party Woodson Terrace does have a personnel file for David Maas.

4. Personnel records of employees are closed records pursuant to §610.021(13), RSMo. The personnel file will also contain information on David Maas's benefit information, which Third-Party Woodson Terrace believes should be kept confidential.

5. The request for citizen complaints and investigations requests are confidential internal affairs documents of Woodson Terrace.

6. Third-Party Woodson Terrace recognizes the relevance of this personnel file to this instant action, but wishes to have these confidential records used only for this case.

7. Third-Party Woodson Terrace requests a protective order to protect from dissemination confidential information that will necessarily be produced in response to this subpoena.

8. Attached to this motion as Exhibit A is the proposed protective order Woodson Terrace wishes the Court to enter in this matter.

9. Pursuant to Rule 26(c), Woodson Terrace requests that this Court enter the attached protective order.

10. Counsel for Woodson Terrace has contacted Plaintiff's counsel and they have provided their consent to this Motion.

WHEREFORE, Third-Party Witness Woodson Terrace Police Department prays for this Court to enter the attached protective order and for all other relief this Court deems just and proper under the circumstances.

Respectfully submitted,

VATTEROTT HARRIS PC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies and that a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF filing system for the United States District Court for the Eastern District of Missouri this 24th day of February, 2020, upon:

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